

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ETHYPHARM S.A. FRANCE &	)	
ETHYPHARM S.A. SPAIN,	)	
	)	
Plaintiffs	)	C.A. No. 04-1300 (SLR)
	)	
v.	)	
	)	
BENTLEY PHARMACEUTICALS, INC.	)	
	)	
Defendant.	)	
	)	

**STIPULATION AND ORDER REGARDING FILING OF SUPPLEMENTAL  
MEMORANDUM AND OPPOSITION REGARDING MOTION TO DISMISS**

WHEREAS, plaintiffs Ethypharm S.A. France and Ethypharm S.A. Spain (collectively “Ethypharm”) filed a complaint against defendant Bentley Pharmaceuticals, Inc. (“Bentley”) in this Court on September 2004;

WHEREAS, Bentley filed a motion to dismiss the complaint on the basis, among other things, that Ethypharm’s complaint failed to include a necessary party, Bentley’s Spanish subsidiary Laboratorios Belmac, S.A. (“Belmac”);

WHEREAS, Ethypharm opposed Bentley’s motion to dismiss, and Bentley filed a reply memorandum in January 2005;

WHEREAS, since the filing of the motion papers, Bentley has learned that Ethypharm has filed a patent infringement case against Belmac in Spain, which Bentley believes is relevant to its pending motion to dismiss;

WHEREAS, the parties have agreed to the following schedule for filing a limited supplemental memorandum and supplemental opposition addressing the impact of these new facts on the pending motion.

The parties agree that:

1. Bentley shall serve and file a supplemental memorandum of 10 pages or less limited to the issue of Ethypharm's filing of the Spanish Patent Action by June 30, 2005.
2. Ethypharm shall serve and file a supplemental opposition of 10 pages or less responding exclusively to the new issues raised in Bentley's supplemental memorandum by July 18, 2005.
3. Bentley shall serve and file a reply memorandum of 5 pages or less responding to issues raised in Ethypharm's supplemental opposition by July 25, 2005.

MURPHY SPADARO & LANDON

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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
United States District Judge